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| 09/923,573 | 08/07/2001 | Dwip N. Banerjee | AUS920010318US1 | 2690 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2175 | |

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _07 August 2003_ .

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-39_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-39_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

1.      The amendment filed on August 7, 2003 has been received and entered. Claims 1-39 are

pending.

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.      Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al.

(U.S. Pub. 2002/0174000) in view of Chandra et al. (U.S. Patent No. 2002/0138582).


        As to claims 1, and 19, Katz et al. discloses a computer program product including

instructions embodied on a computer readable medium (See page 1, column 1, lines 9-15), the

instructions comprising:

        maintaining instructions for maintaining identification for a group of decision making

entities in a memory device (See page 11, column 1, lines 20-39, also see page 7, column 2, lines

1-22, also see page 9, column 1, lines 30-55);

        communicating instructions for communicating a query to the plurality of decision-

making entities (See page 20, column 2, lines 32-44), wherein the query includes a description of

the proposed action (See page 7, column 2, lines 24-41);

receiving instructions for receiving responses to the query from the plurality of decision-making entities (See page 23, column 1, lines 31-49), wherein each response includes an indicator of support for the proposed action (See page 10, column 1, lines 37-52, also see page 10, column 2, lines 13-22, wherein "indicator of support" reads on "rating");

implementing instructions for automatically implementing the decision if the cumulative support is greater than the setpoint (See page 10, column 1, lines 1-25).

Katz et al. does not disclose maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action ;

determining instructions for determining the cumulative support from the query responses received.

Chandra et al. discloses maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action (See page 14, column 1, lines 52-67, wherein "cumulative support" reads on "compile sign-off")

determining instructions for determining the cumulative support from the query responses received (See page 3, column 2, lines 40-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Katz et al. to include maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action; determining instructions for determining the cumulative support from the query responses received.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Katz et al. by the teaching of Chandra et al. to include maintaining

instructions for maintaining a setpoint representing a minimum cumulative support required to

implement a proposed action; determining instructions for determining the cumulative support

from the query responses received because it provides for business cost reduction and more

efficient agreeable business decision making.

As to claims 2, and 20, Katz et al. as modified discloses further comprising

communicating messages to one or more of the decision-making entities (See page 20, column 2,

lines 32-44, also see Chandra et al. page 25, column 2, lines 8-31).

As to claims 3, and 21, Katz et al. as modified further comprising communicating

messages from one or more of the decision-making entities to at least one different decision-

making entity (See page 11, column 2, lines 4-14).

As to claims 4, and 22, Katz et al. as modified wherein the indication of support is of a

type selected from qualitative, quantitative, functional or a combination thereof (See page 32,

column 2, lines 34-49, wherein "indication of support" reads on "approval").

As to claims 5, and 23, Katz et al. as modified wherein the step of automatically

implementing the decision includes transmitting an instruction to one or more trading networks

(See page 5, column 1, lines 39-45, wherein "trading" reads on "auctions").

As to claims 6, and 24, Katz et al. as modified farther comprising:

imposing arbitration among the plurality of decision-making entities (See page 11,

column 1., lines 1-17, wherein "arbitration" reads on "skew data") if the query responses provide

cumulative support less than the minimum setpoint value (See <u>Chandra et al.</u> page 32, column 1,

lines 44-65, also see <u>Chandra et al.</u> page 14, column 1, lines 8-10).

As to claims 7, and 25, <u>Katz et al.</u> as modified further comprising:

initiating an intra-group caucus between a plurality of the decision-making entities (See

page 10, column 1, lines 1-26, also see <u>Chandra et al.</u> page 29, column 2, lines 1-22, also see

<u>Chandra et al.</u> page 28, column 1, lines 7-12, wherein "initiating" reads on "sharing").

As to claims 8, and 26, <u>Katz et al.</u> as modified further comprising:

receiving a request from one of the decision-making entities to initiate a query, wherein

the request includes the proposed action (See page 7, column 2, lines 23-41, also see <u>Chandra et</u>

<u>al.</u> page 35, column 1, lines 1-8).

As to claims 9, and 27, <u>Katz et al.</u> as modified wherein the query is formulated by one of

the plurality of decision-making entities and transmitted to a central coordinator for subsequent

communication to the plurality of decision-making entities (See page 28, column 2, lines 29-40,

wherein "decision-making entities" reads on "user").

As to claims 10, and 28, <u>Katz et al.</u> as modified wherein the setpoint is established by the

decision making entity that formulates the query (See page 2, column 1, lines 63-67,also see

page 19, column 1, lines 47-66, also see <u>Chandra et al.</u> column 2, lines 5-21, also see <u>Chandra et al.</u> page 36, column 1, lines 1-18).

As to claims 11, and 29, <u>Katz et al.</u> as modified wherein the step of implementing the decision comprises transmitting an electronic communication to a third party (See page 20, column 2, lines 18-44, wherein "electronic communication" reads on "e-mail", also see page 5, column 1, lines 39-49).

As to claims 12, and 30, <u>Katz et al.</u> as modified wherein the identification of each decision-making entity includes a weighting factor; and wherein the step of determining the cumulative support includes applying the weighting factor against each indicator of support for the decision (See page 11, column 1, lines 12-39, also see page 26, column 1, lines 61-67, also see page 10, column 2, lines 16-22, also see <u>Chandra et al.</u> page 34, column 2, lines 43-67, and see <u>Chandra et al.</u> page 35, column 1, lines 1-8).

As to claims 13, and 31, <u>Katz et al.</u> as modified further comprising:

sending a communication to each of the plurality of decision-making entities stating the amount of additional support necessary to reach the minimum setpoint (See <u>Chandra et al.</u> page 36, column 1, lines 1-22, also see <u>Katz et al.</u> page 23, column 2, lines 1-20, wherein "reach the minimum setpoint" reads on "optimization").

As to claims 14, and 32, <u>Katz et al</u>. as modified wherein the query responses include weighting factors or other criteria relevant to the level of support (See page 6, column 1, lines 38-58, also see page 11, column 1, lines 12-39, also see page 26, column 1, lines 61-67, also see page 10, column 2, lines 16-22).

As to claims 15, and 33, <u>Katz et al</u>. as modified further comprising:

automatically communicating a second query to the plurality of decision making entities (See page 25, column 1, lines 66-67, and page 25, column 2, lines 1-17, wherein "second query" reads on "second action") lines if the additional support necessary to reach the minimum setpoint to value is less than an second setpoint (See <u>Chandra et al</u>. page 32, column 1, lines page 21-65).

As to claim 16, <u>Katz et al</u>. as modified further comprising:

querying one of the plurality of decision-making entities for authorization to implement the decision if the query responses provide cumulative support greater than the minimum setpoint (See <u>Chandra et al</u>. page 14, column 1, lines 52-67, wherein "cumulative support" reads on "compile sign-off", also see <u>Katz et al</u>. page 10, column 1, lines 1-19, wherein "authorization to implement" reads on "after approval of subset of entities").

As to claims 17, and 34, <u>Katz et al</u>. as modified further comprising:

obtaining approval or denial to implement the decision (See <u>Chandra et al</u>. page 14, column 1, lines 57-60).

As to claims 18, and 35, <u>Katz et al.</u> as modified further comprising:

transmitting instructions for communicating the cumulative response to the

plurality of decision-making entities (See <u>Chandra et al.</u> page 27, column 2, lines 39-67, also see

<u>Chandra et al.</u> page 28, column 1, lines 1-33);

transmitting instructions for formulating a second query based on this

cumulative response (See page 10, column 1, lines 1-25, also see <u>Chandra et al.</u> page 27, column

2, lines 39-67, also see <u>Chandra et al.</u> page 34, column 2, lines 37-67, and <u>Chandra et al.</u> page 35,

column 1, lines 1-9);

transmitting instructions for communicating second responses from the plurality of

decision-making entities (See page 25, column 1, lines 66-67, and page 25, column 2, lines 1-17,

wherein "second query" reads on "second action"), wherein the second responses comprise

revised weighting factors (See page 6, column 1, lines 48-58, and see page 10, column 2, lines

13-30, also see <u>Chandra et al.</u> page 28, column 1, lines 54-67); transmitting instructions for

determining the cumulative response to the second query incorporating the revised weighting

factors (See page 6, column 1, lines 38-58, also see page 11, column 1, lines 12-39, also see page

26, column 1, lines 61-67, also see page 10, column 2, lines 16-22); implementing instructions,

for implementing the decision if the second query responses provide cumulative support greater

than the minimum setpoint value (See page 23, column 2, lines 1-21).


As to claim 36, <u>Katz et al.</u> as modified wherein one or more of the plurality of decision

making entities communicates through a personal digital assistant (See <u>Chandra et al.</u> page 47,

column 2, lines 12-14).

As to claim 37, <u>Katz et al</u>. as modified wherein the communications occur over a wireless

network (See page 19, column 1, lines 4-6, also see <u>Chandra et al.</u> page 47, column 2, lines 12-

14).

As to claim 38, <u>Katz et al</u>. as modified wherein the communications utilize instant

messaging (See <u>Chandra et al.</u> page 11, column 1, lines 10-15).

As to claim 39, <u>Katz et al</u>. as modified further comprising:

providing a collaboration manager to interface between decision-making entities having different

computer platforms or applications (See <u>Chandra et al.</u> page 9, column 2, lines 12-16, also see

<u>Chandra et al.</u> page 4, column 1, lines 5-18).

### *Response to Arguments*

4.      Applicant's arguments filed on August 7, 2003 have been fully considered but they are

not persuasive.

Applicant's argument that "<u>Katz</u> does not disclose or teach applicant's claimed limitation

"communicating a query to the plurality of decision-making entities" is respectfully

acknowledged but is not deemed to be persuasive.

Examiner respectfully points to <u>Katz et al.</u> page 10, paragraph 0168, and in page 8,

paragraph 087, a "query" ability is party of the system and can be automatically included as part

of the discovery module of the VCI system, indicating that the system using query/search

method looks for and alerts the user to an action that needs to be accomplished. Analysis services

thus examine and analyze a plurality of discovered data, such as contract terms, performance

metrics, current inventories, surplus and shortages, warehouse locations, etc., and produce one or

a plurality of reports based on the subsequently analyzed data in real-time fashion (See page 6,

paragraphs 0050-0053). The alerts generated in Katz's system pages 8-9, paragraphs 0116-0149)

are notification of query and filtering results accomplished by the system and are presented as

such. Alert is defined " where one can look around" indicating a search was being done (See

http://dictionary.reference.com/search?q=alert). In Katz et al. page , paragraph 0014-0017,

wherein real-time searching is automatically done by the VCI system and alerts are also

generated.


Applicant's argument that "Katz does not disclose or teach applicant's claimed limitation

"wherein the query includes a description of the proposed action" is respectfully acknowledged

but is not deemed to be persuasive.

Examiner respectfully again points to Katz et al. page 7, paragraph 0168 passage which

clearly states and "action" will be generated by the module and presented to the user by alerting

the user to take accomplish the "action". Katz's system provides a reminder/recommendation

system to what tasks each of the users associated with should take care of in page 6, paragraphs

0053-0061 in an automated fashion. A recommendation is a proposed action that the system has

indicated/alerted the user to consider in Katz et al. page 5, paragraph 0045 and see page 23,

paragraphs 0304-0305.

In response to applicant's characterization of <u>Katz</u>'s page 23, paragraphs 0305-0306's that Katz et al. merely "provides... functions that answers those questions" is not persuasive "answering" a "question" is considered a task that is accomplished a user and it is indeed a response to a "query" provided by the VCI recommendation system to the user's interface to indicate to the user an action is required to give the user the option to address this presentation in any form the user deems to be appropriate.

Applicant's argument that "<u>Katz</u> does not disclose or teach that the responses to the query from the plurality of decision-making entities are received" is respectfully acknowledged but is not deemed to be persuasive.

Examiner respectfully points to <u>Katz et al.</u> page 2, paragraphs 0011-0017 the VCI system residing on the computer is capable of sending/receiving query and searching and filtering user customized information. Its is well known in the art that a user initiated search/query generates a response from the database see <u>Katz et al.</u> page 17, paragraph 0228 wherein "response to the query" reads on "user selects a particular part or part family from a search page".

Applicant's argument that "<u>Katz</u> does not disclose or teach indicator of support" is respectfully acknowledged but is not deemed to be persuasive.

Examiner respectfully points to <u>Katz et al.</u> page 10, paragraphs 0150-0166 and see page 6, paragraphs 0053-0059 wherein user provided "rating" does indeed indicate a level of support for the action. Whether the rating is given by the user is to data refereed to as "piece of inventory

or a "proposed action" the system is capable of collecting a user's "rating" to the presented

"task", Katz et al.'s VCI system has the functionally described by the applicant's claimed

limitation. A user's response to the task by rating indicates user's preference and thus the

continuation of the automation down the line in the workflow system.


Applicant's argument that "Chandra et al. does not disclose or teach therein "maintaining

a setpoint representing a minimum cumulative support required to implement the proposed

action" is respectfully acknowledged but is not deemed to be persuasive.

Examiner respectfully points to Chandra et al. page 28, paragraphs 0466, gathering

(polling) "ratings" from an approval list where Chandra et al. teaches the program is able to

automatically generate an approval list with certain customizable parameters and threshold and

certain authorized recipients. Once they have indicated their support/collected opinion there is

"compile sign-off" on the proposed action discloses by Chandra et al. page 14, paragraphs

00266-0288 wherein a user customizable template is created to gather approvals from a list of

selected participants and is presented and compiled for sign-off according to set threshold. See

Chandra et al. pages 3-4, paragraph 0037-0040 wherein the software does the "determining" act

dynamically by aggregating this data.


In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Katz et al. is modified by the teachings of Chandra et al. to teach "maintaining a

setpoint representing a minimum cumulative support required to implement the proposed action"

by showing an agreement and approval needed to be reached in order to go forward with project

or purchase order and can be automatically gathered by a computer program method as clearly

disclosed in Chandra et al. pages 27-28, paragraphs 0448-0457 and where "responses to query"

is indicated by user's "rating" and "poll" as disclosed in Chandra et al.

Thereby, the Examiner is establishing motivation in obviousness in the knowledge

generally available to one of ordinary skill in the art, to modify the invention of Katz et al. with

the teachings of Chandra et al., as explained in the office action.


*Conclusion*

5.    **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6.      The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

> Metcalfe (U.S. Pub. No. 2001/0027446 A1) teaches business system and method.
>
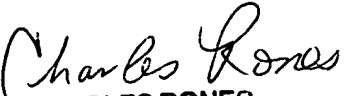> Goodridge et al. (U.S. Patent No. 5,799,297) teaches task workflow management system.
>
> Nakaoka (U.S. Patent No. 6,092,048) teaches task execution support system.

7.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
October 17, 2003

CHARLES RONES
PRIMARY EXAMINER